

In the claims

1. (Currently Amended) [[A]] The method of claim 26 wherein upon selection of one of the at least two options, the method further comprises controlling the speaker volume on a communications device, comprising the steps of:

- (a) sampling the ambient noise level in the vicinity of the communications device to detect a first sample noise level;
- (b) determining whether the first sample noise level is greater than a threshold level;
- (c) automatically adjusting the volume of the speaker to a first volume level sufficient to overcome the first sample noise level and maintaining the volume of the speaker at the first volume level;
- (d) resampling the ambient noise level in the vicinity of the communications device to detect a second sample noise level;
- (e) determining whether the second sample ambient noise level is greater than the threshold level; and
- (f) automatically readjusting the volume of the speaker to a second volume level sufficient to overcome the second sample noise level and maintaining the volume of the speaker at the second volume level.

2. (Currently Amended) The method of claim [[1]] 26, wherein the communications device comprises a mobile telephone.

3. (Original) The method of claim 1, further comprising selecting an initial speaker volume level.

4. (Original) The method of claim 1, further comprising enabling steps (a)-(f) via a button associated with the communications device.

5. (Original) The method of claim 1, further comprising repeating steps (d)-(f).

6. (Original) The method of claim 5, further comprising delaying repeating step (d) after step (f) for a predetermined amount of time.

7. (Original) The method of claim 1, wherein step (f) comprises one of increasing and decreasing speaker volume.

8. (Original) The method of claim 1, wherein ambient noise sampling is accomplished via a microphone.

9. (Original) The method of claim 8, wherein ambient noise sampling is accomplished with a microphone other than a microphone used for voice communication.

10. (Original) The method of claim 1, further comprising resetting speaker volume to an initial setting.

11. (Currently Amended) A method of compensating the volume of a speaker of a communications device in response to ambient noise, comprising the steps of:

- (a) selecting an initial volume level for the speaker in the presence of substantially zero ambient noise;
- (b) subsequently, after a call has been established on the communications device, sampling a non-zero level of ambient noise;
- (c) automatically increasing the volume of the speaker in response to the sampled nonzero level of ambient noise from the initial volume level to a level sufficient to overcome the sampled non-zero level of ambient noise; and
- (d) maintaining the volume of the speaker at the level sufficient to overcome the sampled non-zero level of ambient noise for a predetermined period of time; and
- (e) resetting the volume to the initial volume level upon the call ending and before the establishment of a subsequent call.

12. (Canceled)

13. (Currently Amended) The method of claim ~~12-11~~, wherein the communications device is a mobile communications device.

14. (Original) The method of claim 13, wherein the mobile communications device is a mobile telephone.

15. (Original) The method of claim 11, further comprising resampling the ambient noise and adjusting the volume of the speaker in response to the level of the resampled ambient noise.

16. (Canceled)

17. (Canceled)

18. (Currently Amended) A mobile communications device, comprising: a display screen, a speaker and at least one microphone housed in a body; and means for adjusting a volume level of the speaker in response to ambient noise, wherein the means for adjusting is operable to sample the ambient noise, determine whether the sampled ambient noise is greater than a threshold level of ambient noise, and automatically cause the volume of the speaker to increase to a level sufficient to overcome the sampled ambient noise; and  
means for receiving user input to activate and deactivate the means for adjusting independently of powering on and off the mobile communications device.

19. (Original) The device of claim 18, further comprising a second microphone, wherein the second microphone samples the ambient noise.

20. (Currently Amended) The device of claim 18, wherein the means for receiving input comprises a menu and wherein the display screen displays [[a]] the menu via which the means for adjusting can be enabled.

21. (Currently Amended) The device of claim 18, wherein the means for receiving input comprises further comprising a button operable to enable the means for adjusting.

22. (Original) The device of claim 18, wherein the means for adjusting is operable to cause the volume of the speaker to decrease.

23. (Original) The device of claim 18, wherein the means for adjusting periodically samples the ambient noise.

24. (Original) The device of claim 18, wherein the means for adjusting is operable to set an initial volume level for the speaker.

25. (Original) The device of claim 24, wherein the means for adjusting is operable to reset the volume level of the speaker to the initial volume level.

26. (New) A method of controlling a speaker volume of a communications device, comprising:

providing to a user of the communications device at least two different options for controlling the speaker volume based on ambient noise;

receiving a selection of one of the at least two different options from the user; and implementing a volume control action that is based on the ambient noise and that corresponds to the option selected by the user to thereby control the speaker volume based on the ambient noise.

27. (New) The method of claim 26, wherein the at least two different options comprises use of a one time ambient noise sample to automatically adjust the speaker volume one time for a call and use of a repetitive ambient noise sample to repetitively adjust the speaker volume for a call.